



AFW AF/1743

Atty. Dkt. No. 040849-0192

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Thomas A. EARLY et al.

Title: COMPONENT ANALYSIS OF MIXTURES
BY NUCLEAR MAGNETIC RESONANCE

Appl. No.: 10/065,163

Filing Date: 09/23/2002

Examiner: Yelena G. Gakh

Art Unit: 1743

INTERVIEW SUMMARY AFTER FINAL REJECTION UNDER 37 CFR 1.116

Mail Stop AF
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

This communication is responsive to the Final Office Action dated June 15, 2004, concerning the above-referenced patent application.

Applicants appreciate the courtesy extended by the examiner in conducting a telephone interview with the undersigned representative on September 15, 2004. During the interview, the examiner indicated that the response filed on August 16, 2004 failed to overcome the objection to the specification. However, the examiner indicated that if the present application was refiled as a continuation-in-part application to include the subject matter of Dr. Early's Rule 132 Declaration, then the continuation-in-part application would be in condition for allowance.

In response, applicants will be filing a continuation-in-part application as suggested by the examiner. The filing of the continuation-in-part application should not be considered to be an acquiescence that the specification of the present application fails to support claim 17

under § 112. Applicants respectfully submit that the specification of the present application supports claim 17 as required by §112 because claim 17 recites subject matter recited in originally filed claims in the present application. However, the continuation-in-part application is being filed solely to overcome the objection to clarity of the specification made in the Final Office Action.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date 10/14/04

By Leon Radomsky

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5300
Facsimile: (202) 672-5399

Leon Radomsky
Attorney for Applicants
Registration No. 43,445

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.